

JONATHAN O. PENA, ESQ.
CA Bar ID No. 278044
Peña & Bromberg, PLC
2440 Tulare St., Suite 320
Fresno, CA 93721
Telephone: 559-412-5390
Fax: 866-282-6709
info@jonathanpena.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Candee Renee Medsker,
Plaintiff,

vs.

Kilolo Kijakazi, Acting
Commissioner of Social Security,
Defendant.

Case No. 1:22-cv-00711-SKO
STIPULATION AND ORDER FOR
EXTENSION OF TIME
(Doc. 13)

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from November 28, 2022 to January 27, 2023, for Plaintiff to serve on defendant with Plaintiff's Motion for Summary Judgment. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. In the months of May through July 21, 2022, Counsel has received an influx of Social Security Certified Administrative Records (CAR). A review of the records

1 received shows Counsel has received at least 50 CARs, the majority of which
2 were filed in June 2022. This has caused an unusually large number of cases
3 that have merit briefs due in the months of August and September. For the
4 months of September and October 2022, we have received an additional 39
5 CARs.

6 For the weeks of November 28, 2022 and December 5, 2022, Counsel
7 currently has 13 merit briefs, and several letter briefs and reply briefs.
8 Additional time is needed to thoroughly brief this matter for the Court. Also, as
9 previously reported, Counsel for Plaintiff underwent major orthopedic surgery
10 in March 2022, requiring significant physical therapy. This has required
11 Plaintiff's counsel to take time off during the work week and work months
12 since then. Although much improved, Counsel still participates in regular
13 physical therapy two to three times per week.

14 Lastly, Counsel for Plaintiff is currently taking partial leave as his child was
15 born on October 14, 2022. Thus, Counsel is working limited hours for the
16 months of November and December 2022.

17 Defendant does not oppose the requested extension. Counsel apologizes to
18 the Defendant and Court for any inconvenience this may cause.

19
20 Respectfully submitted,

21 Dated: November 28, 2022 PENA & BROMBERG, ATTORNEYS AT
22 LAW

23
24 By: /s/ Jonathan Omar Pena
25 JONATHAN OMAR PENA
26 Attorneys for Plaintiff
27
28

1 Dated: November 28, 2022 PHILLIP A. TALBERT
2 United States Attorney
3 MATHEW W. PILE
4 Associate General Counsel
5 Office of Program Litigation
6 Social Security Administration

7 By: */s/ Caspar I. Chan
8 Caspar I. Chan
9 Special Assistant United States Attorney
10 Attorneys for Defendant
11 (*As authorized by email on November 28, 2022)

12 **ORDER**

13
14 Based upon the foregoing stipulation of the parties (Doc. 13), and for good
15 cause shown, Fed. R. Civ. P. 16(b)(4),

16 IT IS HEREBY ORDERED that Plaintiff shall have an extension of time, to
17 and including January 27, 2023, in which to file Plaintiff's motion for summary
18 judgment. All other deadlines set forth in the Scheduling Order (Doc. 5) shall be
19 extended accordingly.
20

21 IT IS SO ORDERED.

22
23 Dated: November 29, 2022

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE